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09/725,088	11/29/2000	Harand Gaspar	95-379	7515

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EXAMINER

LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
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2662

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DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,088

Applicant(s)

GASPAR, HARAND

Examiner

Dmitry Levitan

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37.CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/2401 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

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***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims <sup>1-20</sup>1-3, 6, 8-12, 15-18, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide sufficient details to enable a skilled in the art to make and use the invention because it does not adequately describe the following:

Regarding claim 1, how to determine a randomness of the idle intervals based on prescribed minimum number of the identified time intervals;

Regarding claim 10, how to configure an analyzer to determine a randomness of the idle intervals based on prescribed minimum number of the identified time intervals;

Regarding claim 16, how to configure a processor to determine a randomness of the idle intervals based on prescribed minimum number of the identified time intervals;

Regarding claims 2, 11 and 17, how a physical transceiver operates in a loop back mode;

Regarding claims 3, 6, 8, 12, 15 and 18, what is exposed media independent interface.

The specification does not provide enough details about the structure and operation of the elements associated with the above identified claimed features to enable one skilled in the art to make and use the invention without undue experimentation.

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 10 and 16, the claim limitation "determine a randomness of the idle intervals" is unclear, because the specification does not disclose what the determination of randomness means.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5-7, 10, 13, 14, 16, 19 and 20 (as understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Hald (US 4,945,532).

7. Regarding claim 1, Hald substantially teaches all the limitations of claim 1:

Hald teaches a method (TEST1 tester on Fig. 1a and 9:19-24) for testing a network device

having a MAC (inherently part of the device, because the device operates in Ethernet,

CSMA/CD environment 1:7-14) configured for generating random numbers for idle intervals in

response to sensed collisions, respectively (SCMA/CD compliant device 2:35-63), comprising:

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Attempting transmission, by the network device, of data packets onto network medium (a message transmitted by another station 11:11:7-12);

Generating collisions in response to each attempted transmission of the data packet (transmitting jam data packet in multicollision mode 11:29-35);

Identifying time intervals that the network device is transmitting on the network medium relative to the idle intervals (SQ2-SQ16 retransmissions 11:38-47); and

Determining the idle intervals (RTS start timing on Fig. 6B and 11:47-60) based on a prescribed minimum number of the identified time intervals (11:58-62).

Hald does not teach using the tester for individual network device testing and monitoring the idle intervals.

Official notice is taken that using same tester on networks testing and individual network devices testing is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using the tester for individual network device testing and monitoring idle intervals to the system of Hald to incorporate useful features into the system.

8. Regarding claims 10 and 16, Hald substantially teaches all the limitations of claims 10 and 16, including a testing system (TEST1 tester on Fig. 1a and 9:19-24) for testing a network device having a MAC (inherently part of the device, because the device operates in Ethernet, CSMA/CD environment 1:7-14) configured for generating random numbers for idle intervals in response to sensed collisions, respectively (SCMA/CD compliant device 2:35-63), comprising A collision generator configured to generate collisions in response to each attempt of transmission of the device.

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Hald does not teach using the tester for individual network device testing and monitoring the idle intervals with a logic analyzer.

Official notice is taken that using a logic analyzer to detect and analyze signals is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using the tester for individual network device testing and connecting a logic analyzer to the asserted carrier sense signal to the system of Hald to improve the system signal analyzing capabilities.

9. In addition, regarding claim 16, every analyzer has a processor.

10. Regarding claims 5, 13 and 19, Hald teaches a packet generator outputting a colliding packet to the network medium in response of detection of each attempted transmission (collision generator GENCOLI 11:17-24).

11. Regarding claims 6, 14 and 20, Hald substantially teaches all the limitations of claims 6, 14 and 20, including exposed interface (input and output signals of GENCOLI, DISCOLI and EDECI on Fig. 4) and asserted carrier sense signal (signal RTS).

Hald does not teach connecting a logic analyzer to the asserted carrier sense signal.

Official notice is taken that using a logic analyzer to detect and analyze signals is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add connecting a logic analyzer to the asserted carrier sense signal to the system of Hald to improve the system signal analyzing capabilities.

12. Regarding claim 7, Hald teaches correlating the idle intervals to the identified time intervals and based on a determined access attempt (SQ2-SQ16 on Fig. 6B and 11:40-60).

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hald	US004945532	Local network testing using CSMA/CD.
Richard	US005079766	Access unit to a local network transmission medium.
Lipcon	US004380088	Tester for collision-detect circuitry.
Douglas	US005097469A	Passive monitor for broadcast communication network.
Kalkunte	US006141327A	Arrangements for regulating packet flow rate in half-duplex networks.
Haddock	US005936962A	Method and apparatus for predicting and controlling data transmission in CSMA/CD LAN.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

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03/11/04.

  
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